

ORDINANCE # 304

AN ORDINANCE OF BOROUGH OF BALLY, BERKS COUNTY PENNSYLVANIA re DEDICATION OF SEGMENT OF AND COMPLETION OF NORTH FOURTH STREET

WHEREAS, the Borough of Bally, Berks County PA is a Borough within Berks County, and the Commonwealth of Pennsylvania (hereinafter, "the Borough");

WHEREAS, Subchapter D of Title 8, including without limitation sections 1731, *et seq.*, of the Consolidated Statutes Commonwealth of Pennsylvania, provides, in relevant part, that: "Council has the authority to...open a street or portion of a street previously laid out"; and

WHEREAS, such statute expressly authorizes the Borough to take such action upon the completion of certain required notice provisions and other procedural steps; and

WHEREAS, it is the judgment of this Borough that it is consistent with the health, safety, and welfare of the public to complete the earlier action designating North 4th Street as a public road within the Borough of Bally; and

WHEREAS, the empowering statute identified above permits the Borough to address the conditions under which such dedication of a prior street designation shall occur;

NOW THEREFORE the Borough Council of the Borough of Bally, Berks County, PA in lawful session duly convened hereby ENACTS AND ORDAINS as follows:

Section 1. The Borough of Bally hereby completes the previously designated and identified public street known as "North Fourth Street", to include "N. 4th Street", and any other designation previously indicated for that parcel of real property, and dedicates the real property, as more specifically described in the real property description attached hereto as Exhibit A except as further defined below, for purposes of completing the street intended by earlier action.

Section 2. The passage of this Ordinance and the dedication of the previously identified street is intended to complete the dedication of North Fourth Street, as undertaken in earlier Council action and shall specifically, forever and completely reserve the rights held now and/or in the future by the Borough of Bally, while protecting and recognizing any and all other claims, easements, rights of way and other property interests lawfully provided in such parcel of real property.

Section 3. No portion of this Ordinance is intended to change, alter, amend, expand or restrict any rights granted under any other transactions, except to complete within continuous lines of demarcation the earlier designation of the street as described in earlier Borough action. This Ordinance is intended to specifically retain any and all such rights, duties and the right of any municipal entity or utility or similar provider of public service to act as permitted under such

grant of easement, right-of-way or other license as permitted under such transaction for such entity.

Section 4. In the event that any provision, section, sentence, clause or portion of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council of the Borough that the remainder of this Ordinance shall be and remain in full force and effect notwithstanding the fact that such portion thereof shall be invalid or unconstitutional.

Section 5. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed insofar, but only insofar, as the same are in direct conflict with this ordinance, but this ordinance is intended to be interpreted consistently with all other health, safety and regulatory statutes and ordinances and provide additional remedies where possible.

Section 6. This Ordinance shall take effect five (5) days subsequent to its passage.

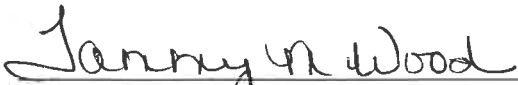
ORDAINED and ENACTED as an Ordinance of the Borough of Bally, Berks County, Pennsylvania, in lawful session duly assembled this 7th day of March, 2023.

BOROUGH OF BALLY
BOROUGH COUNCIL



Glenn Mutter, Council President

Attest:



Tammy Wood, Borough Secretary



DAVID C. Schott, MAYOR